

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

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| In the Matter of the Revocation |) | |
| |) | |
| or Suspension of the Educators |) | ORDER OF SUSPENSION |
| |) | (BREACH OF CONTRACT) |
| Certificate of Karmen H. Rich |) | |
| |) | |
| Certificate # 194567 |) | |

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 13, 2003. On February 28, 2003, the State Department of Education (Department) sent Ms. Karmen Rich a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educators certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Rich received the notice, as evidenced by the signed postal receipt. Ms. Rich did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. Rich, the State Board voted to suspend Ms. Rich's certificate for one year.

FINDINGS OF FACT

Ms. Rich holds a valid certificate, and has over five years of teaching experience. She was under contract with the Chester County School District (District) for the 2002-2003 school year, as a Special Education teacher at Lewisville High School. On December 23, 2002, Ms. Rich wrote a letter to her principal stating that she and her husband were offered employment in West Virginia beginning January 27, 2003, and that her last day with the District would be January 17, 2003.

On January 6, 2003, Rita Stringfellow, District Human Resource Director, received a copy of the written request. Upon contacting her new employer, Ms. Stringfellow learned on January 13 that Ms. Rich could report to work at the end of February to give the District more time to seek a suitable replacement. Ms. Rich stated that it was too late because the movers were already at her house. On January 29, 2003, the District Board voted to release Ms. Rich "if and when a suitable replacement is found." On January 31, 2003, the District Superintendent wrote Ms. Rich that she failed

to comply with the provisions of her contract. On February 3, 2003, the Board Chair reported the matter to the Department and asked that the State Board suspend Ms. Rich's certificate for one year, since she left work on January 17, 2003, and refused to wait until a suitable replacement could be found.

Ms. Rich responded to the District in a long letter dated February 11, 2003, but apparently sent in April, stating she made every effort to do what she thought was necessary to obtain her resignation from the District. She acknowledged the State Board would likely suspend her certificate for a year

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. Rich's certificate # 197567 for a period of one year from May 13, 2003 through May 12, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if she wants her certificate reinstated, Ms. Rich may make a written request for reinstatement to the Office of Teacher Education and Certification of the Department.

South Carolina State Board of Education

By: /S/ Greg Killian

Greg Killian

Chair

Columbia, South Carolina
May 13, 2003